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Re: Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service, Further Notice of Proposed Rulemaking and Notice of Inquiry. MM Docket No. 99-325

Dear Chairman Powell,

I am writing regarding the submission from the Recording Industry Association of America (RIAA) in support of content protection rules for Digital Audio Broadcasting (DAB) in their letter dated August 16, 2004.

One of the main contentions of the RIAA is the need for some sort of content "broadcast flag" or equivalent to protect the copyrighted content that they manage. They seem to be worried that when the copyrighted content is broadcast in a digital format, they would lose control. They mention there are ways to search for digital versions of their content and methods to store the content and use it in ways perhaps not intended by the copyright holders.

However, I find their submission somewhat ironic in that they seem to try to support their case by attaching two extractions from copyrighted web sites in their submission. Two of the three articles they offered as proof have very conspicuous copyright notices on them with no proof that they have received written permission from the owners for their republishing. (See [Seattle PI Rights to Content](#)) Content released for republication would not have ads from the web site or would at least have a tag line "used with permission".

It seems the RIAA is concerned with copyright issues when it supports their cause, but they seem to have little regard for other's copyrights in pursuit of their own. Their request for content protection seems to be aimed at diminishing the rights to "fair use" much in the same way the HDTV issue is doing.

Are we heading for future where anything digital is exempt from the concept of fair use? The MPAA is trying to do this with HDTV – please don't support the same problem for the RIAA.

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